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EXAMINER

BOYCE, ANDRE D

ART UNIT

PAPER NUMBER

3623

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/558,755	<b>Applicant(s)</b> HOSEA ET AL.	
	<b>Examiner</b> Andre Boyce	<b>Art Unit</b> 3623	

-- **Th MAILING DATE of this c mmunication appears on the c ver sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,3, &amp; 4</u> . | 6) <input type="checkbox"/> Other:  |

### **DETAILED ACTION**

1. Claims 1-63 have been examined.

#### ***Specification***

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code, on page 6, line 25. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

#### ***Claim Objections***

3. Claims 11-13, 25-26, 36, and 44 are objected to because of the following informalities: "URL" should be written out for definitive purposes. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-5, 7-9, 11-14, 20, 22-57, and 62-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Roth et al (USPN 6,285,987).

As per claim 1, Roth et al disclose a method of profiling a Web user (via view-opportunity/view-op, see column 2, lines 11-14), comprising: providing profiles on a plurality of Web sites (characteristic of web site, see column 2, lines 14-16); monitoring which of said plurality of Web sites the user accesses (see column 2, lines 14-19) and developing a profile of the user based on the profiles

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of the Web sites accessed by the user (updates information via view-op, see column 4, lines 26-31).

As per claims 2-5, Roth et al disclose demographic data, including the user's age, gender, and income (see column 9, lines 1-2).

As per claims 7-8, Roth et al disclose psychographic data, on the user's interests (see column 8, lines 65-67).

As per claim 9, Roth et al disclose providing a database associating each of said plurality of Web sites with demographic characteristics of known persons who have accessed said sites (database 16B, see Figure 1).

As per claims 11-12, Roth et al disclose identifying URL requests made by the user while Web surfing and identified at an Internet Service Provider (ISP) point of presence (see column 8, lines 20-28).

As per claim 13, Roth et al disclose URL requests associated with a user and stored in a database (see column 4, lines 26-31).

As per claim 14, Roth et al disclose updating an existing user profile (see column 4, lines 30-31).

As per claim 20, Roth et al disclose delivering selective advertising to said user based on his or her profile (see column 4, lines 58-61).

Claims 22, 24, 26-29 are rejected based upon the rejection of claims 1, 9, 13, 19-21, respectively, since they are the computer claims corresponding to the method claims. Further, see column 6, lines 53-56.

As per claim 23, Roth et al disclose the computer comprising an ISP point of presence server (web server 310, see Figure 3).

As per claim 25, Roth et al discloses the program including a sniffer identifying URL requests made by the user while Web surfing (HUD table 408, see column 9, lines 31-32).

As per claim 30, Roth et al disclose the computer cooperates with a computer operated by the user to display an advertisement on a display of the computer operated by the user, said advertisement being selected from a plurality of advertisements based on the profile of the user (see column 4, lines 58-61).

As per claim 31, Roth et al disclose a system for profiling a Web user and delivering selective advertising to the user, comprising: a database containing profile data on a plurality of Web sites (web site 14, see Figure 1); means for monitoring which of said plurality of Web sites the user accesses; means for developing a profile of the user using profile data of the Web sites accessed by the user (see column 4, lines 44-49); means for matching the user with an advertisement based on the developed user profile; and means for delivering said advertisement to the user (see column 4, lines 58-61).

As per claim 32, Roth et al disclose a system for inferring a profile of a person using a client computer for Web surfing, and delivering selective advertising to the person based on his or her profile (web server system 16, see Figure 1), comprising: a local server computer linked to said client computer for

providing Internet access, said local computer including means for monitoring which of said plurality of Web sites the person accesses, means for developing a profile of the person based on predetermined profile data of the Web sites accessed by the person, and means for delivering an advertisement to the client computer (see column 4, lines 44-49 and web server 310 Figure 3); and a remote server computer linked to said local server computer and including means for matching an advertisement received from an advertiser to said person based on his or her profile, and means for transmitting said advertisement to said local server computer for eventual transfer to the client computer (view server 320, see Figure 3 and column 6, lines 56-58).

As per claim 33, Roth et al disclose a local database containing data associating a plurality of Web sites with predetermined profile data on said sites (database 16B, see Figure 1).

As per claim 34, Roth et al disclose a master database containing data associating a plurality of Web sites with predetermined profile data on said sites, and wherein data in said master database is periodically synchronized with said local database. Database 16B (Figure 1) is the master and local database and synchronization is inherent.

As per claim 35, Roth et al disclose the local server computer and the remote server computer linked by an Internet connection (inter-computer network, see column 6, lines 56-58).

As per claim 36, Roth et al disclose means for delivering URL string pointing to the advertisement (see column 12, line 53).

Claims 37-50 are rejected based on the rejections of claims 2-8, 11-12, and 15-19, respectively as being the system claims corresponding to the method claims.

As per claim 51, Roth et al disclose means for monitoring how long the advertisement is displayed to the user (view-time, see column 8, lines 61-62).

As per claim 52, Roth et al disclose means for monitoring whether the user has clicked-through the advertisement (see column 8, lines 1-2).

Claim 53 is rejected based upon the rejection of claim 1, since it is the computer readable medium claim corresponding to the method claim.

As per claims 54-55, Roth et al disclose the medium comprises a removable memory (see column 9, lines 19-21), and a signal transmission (see column 10, lines 34-36).

As per claim 56, Roth et al disclose computerized method of profiling Web users and selectively delivering content to said users, comprising: providing profiles of a plurality of Web sites, said profiles including demographic data of persons known to have visited said sites (see column 9, lines 1-14); monitoring which of said plurality of Web sites each of said users visits; inferring a profile of each user based on the profiles of the Web sites visited by the user (see column 4, lines 44-49); identifying a target group of said users who would be receptive to



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receiving certain content based on their profiles; and selectively delivering the content to users of that target group (see column 13, lines 53-56).

As per claim 57, Roth et al disclose the content comprises advertisements (see column 4, lines 58-61)

As per claim 62, Roth et al does not explicitly disclose adjusting the target group to optimize user responsiveness to the content (see column 13, lines 53-64). By adjusting the criteria in Roth et al, the target group is adjusted accordingly.

As per claim 63, Roth et al disclose an advertisement, and determining user responsiveness to the content comprises determining how many users have clicked-through the advertisement (see column 2, lines 41-46).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al (USPN 6,285,987), in view of Boe et al (USPN 6,236,975).

As per claim 6, Roth et al does not explicitly disclose highest attained education level. Boe et al disclose educational level as demographic information

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that may be requested (see column 3, lines 24-26). Both Roth et al and Boe et al are concerned with profiling customers for targeted advertising, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include educational level as part of the demographic information collected in Roth et al, as seen in Boe et al, thereby collecting more information on the customer, thus determining a more accurate profile.

8. Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al (USPN 6,285,987).

As per claim 10, Roth et al does not disclose said database provided by a Web site ratings service. However, Roth et al disclose information being purchased from commercial information providers (see column 11, lines 48-51), and a Web site rating service is an information provider, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a database provided by a Web site rating service in Roth et al, thereby providing a profile of the Website and more accurately determining the consumer profile.

As per claim 19, Roth et al does not explicitly disclose erasing records of which Web sites said user has visited after developing the user's profile to protect user privacy. However, Roth et al disclose deleting the oldest HUD record (see column 17, lines 30-33), which is the table of sites each viewer has previously accessed, therefore it would have been obvious to one having ordinary skill in the

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art at the time the invention was made to include erasing records of previously visited web sites in Roth et al, thus securing consumer privacy.

9. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al (USPN 6,285,987), in view of Sheena et al (USPN 6,049,777).

As per claims 15 and 18, Roth et al does not disclose combining the profiles of the Web sites accessed by the user to the existing user profile using an averaging algorithm and the average rating is determined using a clustering algorithm. Sheena et al disclose using an averaging algorithm to calculate a similarity factor between a pair of users (see column 8, lines 47-49), based on their ratings of a product. Sheena et al also disclose clustering algorithms (see column 22, lines 33-36) used to calculate the mean of the rating given to each item a user has rated. Sheena et al also disclose the method working equally as well for items having many features of interest (see column 19, lines 9-13), such as web site and user profiles. Further, both Roth et al and Sheena et al are concerned with user profiles, and product recommendation, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include using an averaging algorithm to combine the profiles of the web site and user and determining the average rating using a clustering algorithm in Roth et al, thereby improving the profile of the user, thus providing more targeted advertisement.

As per claims 16-17, Roth et al does not disclose user profile includes data on a plurality of demographic categories, each associated with a rating, and the method further comprises filling in a value for the rating for any demographic category having a low confidence measure and using an average rating of persons having similar profiles to that of said user for a category having a low confidence measure. Sheena et al disclose using an averaging algorithm to calculate a similarity factor between a pair of users (see column 8, lines 47-49), based on their ratings of a product. Further, Sheena et al disclose items with low confidence factors (see column 10, line 10), and correlation between neighboring users (see column 10, lines 20-23). Both Roth et al and Sheena et al are concerned with user profiles, and product recommendation, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include filling in a value for the rating for any demographic category having a low confidence measure and using an average rating of persons having similar profiles to that of said user for a category having a low confidence measure, in Roth et al, thereby being able to fill in incomplete user profiles, thus making the method more robust.

10. Claims 21 and 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al (USPN 6,285,987), in view of Park et al (USPN 6,295,061).

As per claims 21 and 58-59, Roth et al does not explicitly disclose transmitting pop-up and banner advertisements to a display of a computer operated by the user. Park et al disclose banner advertisement (see column 1, lines 30-33), and pop-up advertisement over the internet (see column 2, lines 1-2). Both Roth et al and Park et al are concerned with effective advertising via the internet, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include pop-up and banner advertisement in Roth et al, as a means of reaching the consumer to provide information on a product.

As per claim 60, Roth et al disclose means for monitoring how long the advertisement is displayed to the user (view-time, see column 8, lines 61-62).

As per claim 61, Roth et al disclose means for monitoring whether the user has clicked-through the advertisement (see column 8, lines 1-2).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Kramer et al (USPN 6327574) disclose interpretation and augmenting of documents delivered based on consumer profiles

-Shaw et al (USPN 6311211) disclose delivering electronic advocacy messages.

-Gerace (USPN 5848396) discloses targeting an audience based on profiles of end users.

-Buck et al (USPN 6078866) disclose internet searching and indexing where web site owners can rank their information and services.

-Walter et al (USPN 6334110) disclose analyzing customer behavior based tagging customer transactions.

-Jenkins (USPN 6285983) discloses creating marketing profiles and for directing customized offers.

-Eldering (USPN 6298348) discloses a consumer profiling system based upon purchases.

-Hanson et al (USPN 5974398) disclose an auction for a customer's attention, where the customer chooses which advertisements to view.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the receptionist whose telephone number is  
(703) 308-1113.



adb  
September 4, 2002



Susanna Diaz  
Patent Examiner  
Art Unit 3623